IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LESLIE BOYD : CIVIL ACTION

: NO. 17-cv-3195-CFK

Plaintiff, :

v. :

.

CITY OF PHILADELPHIA, : CORIZON HEALTH, INC., and : MHM SERVICES, INC. :

:

Defendants. :

ORDER

AND NOW, this 26th day of November 2018, upon consideration of Defendant, City of Philadelphia's, Motion to Dismiss for Failure to State a Claim (ECF No. 19) and Plaintiff's Response thereto (ECF No. 25), it is hereby ORDERED and DECREED that Defendant, City of Philadelphia's, Motion to Dismiss for Failure to State a Claim (ECF No. 19) is DENIED IN PART and GRANTED IN PART as follows:

1. The Motion is **GRANTED** with respect to Plaintiff's claim of intentional infliction of emotional distress in Count Two ¶ 65 of the Amended Complaint. Plaintiff's intentional infliction of emotional distress claim against Defendant, City of Philadelphia, is **DISMISSED**.¹

¹ Plaintiff's claim for intentional infliction of emotional distress ("IIED") against the City was previously dismissed by Order dated May 29, 2018 (ECF No. 12). Under that Order, Plaintiff was not permitted leave to amend his IIED claim against the City; therefore, dismissal of that claim is appropriate at this juncture.

2. The Motion is **DENIED** with respect to all other claims in Plaintiff's Amended Complaint.

Defendant, City of Philadelphia, shall file an answer to Plaintiff's Amended Complaint on or before **December 10, 2018**.

BY THE COURT:

S/Chad F. Kenney

CHAD F. KENNEY, JUDGE